

Section 1. Chapter 574 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 to 1.9, inclusive, of this act.

Sec. 1.2. 1. *Any peace officer or animal control officer shall, upon discovering any animal which is being treated cruelly, take possession of the animal on behalf of the county, city or other local government that employs the officer. The county, city or local government:*

(a) *Shall provide the animal with shelter and care, which may include, without limitation, providing shelter or care at a facility owned or operated by the county, city or other local government or arranging for an animal rescue organization, animal shelter or another person to provide temporary care and shelter to the animal; or*

(b) *May, upon obtaining written permission from the owner of the animal, arrange for the humane euthanasia of the animal.*

2. ~~*In a county whose population is 100,000 or more, if a peace officer or animal control officer takes possession of an animal which is being treated cruelly and the peace officer or animal control officer determines the immediate humane euthanasia of the animal may be necessary because the animal is injured or diseased to such an extent that it is probable the animal cannot recover,*~~

(a) *A ~~veterinarian~~ licensed veterinarian, veterinarian technician or euthanasia technician must examine the animal and recommend the humane euthanasia of the animal before the humane euthanasia may proceed, or*

(b) *a court of competent jurisdiction may order the animal humanely destroyed or continued in the care of the officer for such disposition as the officer sees fit*

3. *A county, city or other local government that takes possession of an animal from an officer pursuant to this section has a lien on the animal for the reasonable cost of care and shelter furnished to the animal and, if applicable, for the humane euthanasia of the animal. The lien does not extend to the cost of care and shelter for more than 2 weeks.*

4. ~~*An officer*~~ *The State and political subdivisions of the State and their officers and employees, and independent contractors who takes possession of an animal pursuant to this section ~~is~~ are not liable for any action arising out of the taking or humane euthanasia of the animal.*

Sec. 1.4. *Unless a greater penalty is provided by law, the penalty for the following violations of NRS 574.100 and 574.110 shall be enhanced as follows:*

44 1. A person who violates the provisions of paragraph (a) of
45 subsection 1 of NRS 574.100:

46 (a) Knowingly or recklessly, is guilty of a category D felony and
47 shall be punished as provided in NRS 193.130.

48 (b) Willfully and maliciously, except as otherwise provided in
49 paragraph (c) of subsection 2, is guilty of a category C felony and
50 shall be punished as provided in NRS 193.130.

51 (c) And commits the act to threaten, intimidate or terrorize
52 another person is guilty of a category B felony and shall be punished
53 by imprisonment in the state prison for a minimum term of not less
54 than 1 year and a maximum term of not more than 6 years, and may
55 be further punished by a fine of not more than \$10,000.

56 2. A person who willfully and maliciously violates the provisions
57 of:

58 (a) Subsection 2 of NRS 574.100 is guilty of a gross misdemeanor
59 and shall be punished as provided in NRS 193.140. (b) NRS
60 574.110 is guilty of a category C felony and shall be punished as
61 provided in NRS 193.130.

62 (c) NRS 574.100 or 574.110 and the act causes the death of the
63 animal is guilty of a category B felony and shall be punished by
64 imprisonment in the state prison for a minimum term of not less
65 than 1 year and a maximum term of not more than 6 years, and may
66 be further punished by a fine of not more than \$10,000.

67 Sec. 1.6. 1. If a criminal action for a violation of any provision of
68 NRS 574.050 to 574.200, inclusive, and sections ~~1.2~~ 1.4 to 1.9,
69 inclusive, of this act is filed with the court, the court may, ~~upon~~
70 ~~application therefor,~~ issue a temporary restraining an order against
71 the person who has been charged with violating a provision of NRS
72 574.050 to 574.200, inclusive, and sections ~~1.2~~ 1.4 to 1.9, inclusive,
73 of this act, pending proceedings on the violation to restrain the
74 person from contacting, harassing, molesting, intimidating,
75 retaliating against or tampering with any:

76 (a) Animal which was the subject of the violation;

77 (b) Guardian of the animal, other than the person charged; or

78 (c) Witness to the act.

79 ↪ Failure to establish a threat to the animal, guardian or
80 witness, as applicable, is not grounds for denying a ~~request for a~~
81 ~~temporary restraining order~~ pursuant to this section.

82 2. A person against whom a restraining an order is issued pursuant
83 to this section must be notified of the ~~restraining~~ order before it may
84 take effect.

Sec. 1.8. *In addition to any other fine or penalty provided in NRS 574.050 to 574.200, inclusive, and sections 1.2 to 1.9, inclusive, of this act, a court:*

1. *Shall order a person convicted of violating a provision of NRS 574.050 to 574.200, inclusive, and sections ~~1.2~~ 1.4 to 1.9, inclusive, of this act to pay restitution for all costs associated with the care, impoundment and disposition of any mistreated animal of which a county, city or other local government takes possession pursuant to section 1.2 of this act, including, without limitation, money expended for veterinary treatment, food, housing and the humane euthanasia of the animal, if applicable.*

2. *May order the person convicted of violating a provision of NRS 574.050 to 574.200, inclusive, and sections ~~1.2~~ 1.4 to 1.9, inclusive, of this act:*

(a) *To surrender ownership or possession of the mistreated animal; and*

(b) *If the person was convicted of a:*

(1) *Category D felony for the violation, ban the person from owning an animal for not more than 7 years;*

(2) *Category C felony, ban the person from owning an animal for not more than 15 years; and*

(3) *Category B felony, ban the person from owning an animal for the remainder of his or her life.*

Sec. 1.9. *In addition to any other penalty or remedy imposed pursuant to NRS 574.050 to 574.200, inclusive, and sections 1.2 to 1.9, inclusive, of this act:*

1. *A court may, pursuant to NRS 176A.416, order a defendant convicted of a violation of a provision of NRS 574.050 to 574.200, inclusive, and sections ~~1.2~~ 1.4 to 1.9, inclusive, of this act, as a condition of probation, to:*

(a) *Submit to a psychiatric evaluation;*

(b) *Participate in counseling or therapy; or*

(c) *Participate in a rehabilitative or educational program.*

2. *If a defendant convicted of a violation of a provision of NRS 574.050 to 574.200, inclusive, and sections ~~1.2~~ 1.4 to 1.9, inclusive, of this act is a child adjudicated delinquent for an act that involves cruelty to or torture of an animal, the juvenile court shall, pursuant to NRS 62E.680, order the child to undergo a psychological*

evaluation and participate in counseling or other psychological treatment.

Sec. 2. NRS 574.050 is hereby amended to read as follows: 574.050 As used in NRS 574.050 to 574.200, inclusive ~~††~~, *and sections 1.2 to 1.9, inclusive, of this act:*

1. “Animal” does not include the human race, but includes every other living creature.

2. ~~“Cruelty” includes every act, omission or neglect, whereby the unjustifiable physical pain, suffering or death of an animal is caused or permitted.~~

3. “First responder” means a person who has successfully completed the national standard course for first responders.

~~†3.†~~ *4. “Humane euthanasia” means the administration of a lethal action to an animal to cause a quick and painless death of the animal where such action is necessary to end the intractable suffering or pain of the animal.*

~~5.†~~ *4. “Police animal” means an animal which is owned or used by a state or local governmental agency and which is used by a peace officer in performing his or her duties as a peace officer.*

~~†4.†~~ ~~6. “Torture” [or “cruelty” includes] means every act [, omission or neglect, whereby unjustifiable physical] taken to inflict on or prolong pain, suffering or death [is caused or permitted.] to an animal.~~

Sec. 3. NRS 574.055 is hereby amended to read as follows: 574.055 Except as otherwise provided in NRS 574.201 to 574.204, inclusive:

1. ~~†Any† If a~~ peace officer or animal control officer ~~†shall, upon discovering any animal which is being treated cruelly, take possession of it and provide it with shelter and care or, upon obtaining written permission from the owner of the animal, may destroy it in a humane manner.~~

2. ~~If an officer†~~ takes possession of an animal ~~††~~ *pursuant to section 1.2 of this act*, the officer shall give to the owner, if the owner can be found, a notice containing a written statement of the reasons for the taking, the location where the animal will be cared for and sheltered, the fact that there is a limited lien on the animal for the cost of shelter and care and *, if applicable*, notice of the right of the owner to request a hearing pursuant to NRS 574.203 ~~†within†~~ *not later than 5 business* days after receipt of the notice. If the owner is not present at the taking and the

officer cannot find the owner after a reasonable search, the officer shall post the notice on the property from which the officer takes the animal. If the identity and address of the owner are later determined, the notice must be mailed to the owner immediately after the determination is made. ~~{3. An officer who takes possession of an animal pursuant to this section has a lien on the animal for the reasonable cost of care and shelter furnished to the animal and, if applicable, for its humane destruction. The lien does not extend to the cost of care and shelter for more than 2 weeks. 4. Upon proof that}~~

2. If the owner *of an animal* has been notified in accordance with the provisions of subsection ~~{2}~~ *1 and the owner does not request a hearing pursuant to NRS 574.203* or ~~{, if}~~ the owner has not been found ~~{or identified, that}~~ *not later than within 5 business days after* the required notice has been posted on the property where the animal was found, ~~{a court of competent jurisdiction may, after providing an opportunity for a hearing, order}~~ the animal ~~{sold at auction, humanely destroyed or continued in the care of}~~ *must be is forfeited to* the ~~{officer}~~ *county, city or other local government which took possession of the animal* for such disposition as the ~~{officer}~~ *county, city or other local government* sees fit ~~{~~

~~5. An officer who seizes an}~~ *, which may include, without limitation, transferring ownership of the animal pursuant to this section an animal rescue organization, animal shelter or another person who is not liable for any action arising out of the taking or humane destruction of}* *able to provide adequate care and shelter to* the animal *or the humane euthanasia of the animal.*

~~{6. The provisions of this section do not apply to any animal which is located on land being employed for an agricultural use as defined in NRS 361A.030 unless the owner of the animal or the person charged with the care of the animal is in violation of paragraph (c) of subsection 1 of NRS 574.100 and the impoundment is accomplished with the concurrence and supervision of the sheriff or the sheriff's designee, a licensed veterinarian and the district brand inspector or the district brand inspector's designee. In such a case, the sheriff shall direct that the impoundment occur not later than 48 hours after the veterinarian determines that a violation of paragraph (c) of subsection 1 of NRS 574.100 exists.~~

~~7.] The owner of an animal which is forfeited to the county, city, or local government [impounded in accordance with the provisions of subsection 6 must, before the animal] is [released to the owner's custody, pay the charges approved by the sheriff as] ~~if applicable,~~ liable for paying all costs reasonably related to [impoundment, including the charges for the animal's food and water. If the owner is unable or refuses to pay the charges, the State Department of Agriculture shall sell] humane euthanasia of the animal. [The Department shall pay to the owner the proceeds of the sale remaining after deducting the charges reasonably related to the impoundment.]~~

Sec. 4. NRS 574.100 is hereby amended to read as follows:

574.100 1. A person shall not:

(a) Torture or unjustifiably maim, mutilate or kill:

(1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or

(2) Any cat or dog;

(b) Except as otherwise provided in paragraph (a), overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another; (c) Deprive an animal of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;

(d) Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink;

(e) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or

(f) Abandon an animal in circumstances other than those prohibited in NRS 574.110. The provisions of this paragraph do not apply to a feral cat that has been caught to provide vaccination, spaying or neutering and released back to the location where the feral cat was caught after providing the vaccination, spaying or neutering. As used in this paragraph, "feral cat" means a cat that has no apparent owner or identification and appears to be unsocialized to humans and unmanageable or otherwise demonstrates characteristics normally associated with a wild or undomesticated animal.

244 2. Except as otherwise provided in subsections 3 and 4 and NRS
245 574.210 to 574.510, inclusive, a person shall not restrain a dog:

246 (a) Using a tether, chain, tie, trolley or pulley system or other device
247 that:

248 (1) Is less than 12 feet in length;

249 (2) Fails to allow the dog to move at least 12 feet or, if
250 the device is a pulley system, fails to allow the dog
251 to move a total of 12 feet; or

252 (3) Allows the dog to reach a fence or other object that
253 may cause the dog to become injured or die by
254 strangulation after jumping the fence or object or
255 otherwise becoming entangled in the fence or object;

256 (b) Using a prong, pinch or choke collar or similar restraint;

257 or (c) For more than 10 hours during a 24-hour period.

258 3. Any pen or other outdoor enclosure that is used to
259 maintain a dog must be appropriate for the size and breed
260 of the dog. If any property that is used by a person to
261 maintain a dog is of insufficient size to ensure compliance
262 by the person with the provisions of paragraph (a) of
263 subsection 2, the person may maintain the dog unrestrained
264 in a pen or other outdoor enclosure that complies with the
265 provisions of this subsection.

266 4. The provisions of subsections 2 and 3 do not apply to
267 a dog that is:

268 (a) Tethered, chained, tied, restrained or placed in a pen
269 or enclosure by a veterinarian, as defined in NRS 574.330,
270 during the course of the veterinarian's practice;

271 (b) Being used lawfully to hunt a species of wildlife in
272 this State during the hunting season for that species;

273 (c) Receiving training to hunt a species of wildlife in this
274 State; (d) In attendance at and participating in an exhibition,
275 show, contest or other event in which the skill, breeding or
276 stamina of the dog is judged or examined;

277 (e) Being processed into an animal shelter;

278 (f) Temporarily for a period of less than 1 month:

279 (1) Being cared for as part of a rescue operation in
280 conjunction with an animal rescue organization; or

281 (2) Staying in a camping area;

282 (g) Living on land that is directly related to an active
283 agricultural operation, if the restraint is reasonably

necessary to ensure the safety of the dog. As used in this paragraph, "agricultural operation" means any activity that is necessary for the commercial growing and harvesting of crops or the raising of livestock or poultry;

(h) Under the direct custody or control of a person, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour; or

(i) Being walked by a person using a leash.

5. A person shall not:

(a) Intentionally engage in horse tripping for sport,

entertainment, competition or practice; or

(b) Knowingly organize, sponsor, promote, oversee or receive money for the admission of any person to a charreada or rodeo that includes horse tripping.

6. ~~A person who willfully and maliciously violates paragraph (a) of subsection 1:~~

~~(a) — Except as otherwise provided in paragraph (b), is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~(b) — If the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~7.~~ Except as otherwise provided in ~~subsection 6,~~ *section 1.4 of this act*, a person who violates subsection 1, 2, 3 or 5:

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

→ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur either at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and (2) Perform not less than 100 hours, but not more than 200 hours, of community service.

↳ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~18. In addition to any other fine or penalty provided in subsection 6 or 7, a court shall order a person convicted of violating subsection 1, 2, 3 or 5 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, 2, 3 or 5 including, without limitation, money expended for veterinary treatment, feed and housing.~~

~~9. The court may order the person convicted of violating subsection 1, 2, 3 or 5 to surrender ownership or possession of the mistreated animal.~~

~~10.~~ *7. It is an affirmative defense to a violation charged pursuant to this section if the person reasonably believes that the person was engaging in the reasonable discipline of the animal.*

(a) In addition to the written notice required by NRS 174.234, a defendant who intends to offer the affirmative defense described in subsection 1 shall, not less than 21 days before trial or at such other time as the court directs, file and serve upon the prosecuting attorney a written notice of his or her intent to claim the affirmative defense. The written notice must include:

(1) The specific affirmative defense that the defendant is asserting; and

(2) The name and last known address of each witness by whom the defendant proposes to establish the affirmative defense.

(b) Not less than 10 days after being served the defendant's notice pursuant to this section, or at such other time that court may direct, the prosecuting attorney shall file and serve upon the defendant the names and last known addresses of the witnesses and expert witnesses, if any, the State proposes to offer in rebuttal.

362 8. The provisions of this section do not apply with respect to an
363 injury to or the death of an animal that occurs accidentally in the
364 normal course of:

- 365 (a) Carrying out the activities of a rodeo or livestock show; or
366 (b) Operating a ranch.

367 ~~HHH~~ 9. As used in this section, "horse tripping" means the roping of
368 the legs of or otherwise using a wire, pole, stick, rope or other object
369 to intentionally trip or intentionally cause a horse, mule, burro, ass or
370 other animal of the equine species to fall. The term does not include:

- 371 (a) Tripping such an animal to provide medical or other
372 health care for the animal; or
373 (b) Catching such an animal by the legs and then
374 releasing it as part of a horse roping event for which a
375 permit has been issued by the local government where the
376 event is conducted.

377 **Sec. 5.** NRS 574.105 is hereby amended to read as follows:

378 574.105 1. A person shall not willfully and maliciously:

379 (a) Taunt, torment, tease, beat, strike or administer a desensitizing
380 drug, chemical or substance to a police animal; (b) Interfere with a
381 police animal or a handler thereof in the performance of duties
382 assigned to the police animal or handler; or (c) Torture, mutilate,
383 injure, poison, disable or kill a police animal.

384 2. A person who violates:

385 (a) Paragraph (a) or (b) of subsection 1 is guilty of a
386 category D felony and shall be punished as provided in NRS
387 193.130.

388 (b) Paragraph (c) of subsection 1 is guilty of:

389 (1) If the police animal is not totally disabled or killed, a
390 category ~~HHH~~ C felony and shall be punished as provided
391 in NRS 193.130, and may be further punished by a fine
392 of not more than \$10,000.

393 (2) If the police animal is totally disabled or killed, a
394 category ~~HHH~~ B felony and shall be punished ~~as provided~~
395 ~~in NRS 193.130.~~ *by imprisonment in the state prison*
396 *for a minimum term of not less than 1 year and a*
397 *maximum term of not more than 6 years, and may be*
398 *further punished by a fine of not more than \$10,000.* In
399 addition to the punishment imposed pursuant to this
400 subparagraph, the court may require a person who is
401 punished pursuant to this subparagraph to pay restitution

to the agency that owns the police animal, including, without limitation, payment for veterinary services and the cost of replacing the police animal.

3. The provisions of this section do not prohibit a euthanasia technician licensed pursuant to chapter 638 of NRS, a peace officer or a veterinarian from euthanizing a police animal in an emergency if the police animal is critically wounded and would otherwise endure undue suffering and pain.

Sec. 5.5. NRS 574.110 is hereby amended to read as follows:

574.110 1. A person being the owner or possessor, or having charge or custody, of *an animal, including, without limitation,* a maimed, diseased, disabled or infirm animal, ~~{who abandons such}~~ *shall not intentionally:*

(a) *Abandon the* animal ~~{or leaves it}~~ ;

(b) *Leave the animal* to die in a public street, road or public place ~~{, or who allows it}~~ ; *or*

(c) *Leave the animal* to lie in a public street, road or public place *for* more than 3 hours after the person receives notice that ~~{it}~~ *the animal* is left disabled . ~~{, is guilty of a misdemeanor.}~~

2. *Except as otherwise provided in section 1.4 of this act, a person who violates the provisions of subsection 1 is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.*

3. Any agent or officer of any society for the prevention of cruelty to animals, or of any society duly incorporated for that purpose, or any police officer, may lawfully destroy or cause to be destroyed any animal found abandoned and not properly cared for, appearing, in the judgment of two reputable citizens called by the agent or officer to view the same in his or her presence, to be glandered, injured or diseased past recovery for any useful purpose, or after such agent or officer has obtained in writing from the owner of such animal the owner's consent to such destruction.

~~{3-}~~ 4. When any person arrested is, at the time of such arrest, in charge of any animal or of any vehicle drawn by or containing any animal, any agent or officer of such society or societies or any police officer may take charge of such animal and of such vehicle and its contents and deposit the same in a safe place of custody, or deliver the same into the possession of the police or sheriff of the county or place

wherein such arrest was made, who shall thereupon assume the custody thereof. All necessary expenses incurred in taking charge of such property shall be a charge thereon. **Sec. 6.** NRS 574.200 is hereby amended to read as follows: 574.200 1. The provisions of NRS 574.050 to 574.510, inclusive, *and sections 1.2 to 1.9, inclusive, of this act* do not:

(a) Interfere with any of the fish and game laws contained in title 45 of NRS or any laws for the destruction of certain birds. (b) Interfere with the right to destroy any venomous reptiles or animals, or any animal known as dangerous to life, limb or property. (c) Interfere with the right to kill all animals and fowl used for food.

(d) Prohibit or interfere with any properly conducted scientific experiments or investigations which are performed under the authority of the faculty of some regularly incorporated medical college or university of this State.

(e) Interfere with any scientific or physiological experiments conducted or prosecuted for the advancement of science or medicine.

(f) Prohibit or interfere with established methods of animal husbandry, including the raising, handling, feeding, housing and transporting of livestock or farm animals.

(g) *Prohibit the humane euthanasia of an animal by a veterinarian, veterinarian technician or euthanasia technician licensed pursuant to chapter 638 of NRS if the veterinarian, veterinarian technician or euthanasia technician determines that humane euthanasia is necessary to end the intractable suffering of an animal.*

2. Nothing contained in subsection 1 shall be deemed to exclude a research facility from the provisions of NRS 574.205.

Sec. 7. NRS 574.203 is hereby amended to read as follows:

574.203 1. If a person is lawfully arrested for a violation of NRS 574.070 or 574.100 and if an animal owned or possessed by the person is impounded by the county, city or other local government in connection with the arrest, the person must be notified in accordance with the provisions of subsection ~~12~~ *1* of NRS 574.055 and be notified of his or her right to request a hearing within 5 ~~business~~ days after receipt of the notice to determine whether the person is the owner of the animal and whether the person is able to provide adequate care and shelter to the animal. The person must request a hearing pursuant

to this subsection within 5 ~~business~~ days after receipt of the notice pursuant to this subsection.

2. If a person who is lawfully arrested and detained for a violation of NRS 574.070 or 574.100 does not request a hearing pursuant to subsection 1, or an owner of the animal has not been identified within 5 ~~business~~ days ~~to~~ after the arrest, the ~~animal must be~~ *is forfeited to the* county, city or other local government ~~{shall transfer}~~ *which took possession of the animal for such disposition as the county, city or other local government sees fit, which may include, without limitation, transferring* ownership of the animal to an animal rescue organization, animal shelter or another person who is able to provide adequate care and shelter to the animal ~~{}~~ *or the humane euthanasia of the animal.*

3. If the court receives a timely request pursuant to subsection 1, the court shall hold a hearing within 15 judicial days after receipt of the request to determine whether the person is the owner of an animal and whether the person is able and fit to provide adequate care and shelter to the animal.

4. For the purpose of conducting a hearing pursuant to this section, the court may consider:

- (a) Testimony of the peace officer or animal control officer who took possession of or impounded the animal or other witnesses concerning the conditions under which the animal was owned or kept;
- (b) Testimony and evidence related to veterinary care provided to the animal, including, without limitation, the degree or type of care provided to the animal;
- (c) Expert testimony as to community standards for the reasonable care of a similar animal;
- (d) Testimony of witnesses concerning the history of treatment of the animal or any other animal owned or possessed by the person; (e) Prior arrests or convictions related to subjecting an animal to an act of cruelty in violation of NRS 574.070 or 574.100; and (f) Any other evidence which the court determines is relevant.

Sec. 8. NRS 33.030 is hereby amended to read as follows:

33.030 1. The court by a temporary order may:

(a) Enjoin the adverse party from threatening, physically injuring or harassing the applicant or minor child, either directly or through an agent;

(b) Exclude the adverse party from the applicant's place of residence;

(c) Prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor child and order the adverse party to stay away from any specified place frequented regularly by them;

(d) If it has jurisdiction under chapter 125A of NRS, grant temporary custody of the minor child to the applicant;

(e) Enjoin the adverse party from physically injuring, threatening to injure or taking possession of any animal that is owned or kept by the applicant or minor child, either directly or through an agent;

(f) Enjoin the adverse party from physically injuring or threatening to injure *or taking possession of* any animal that is owned or kept by the adverse party, either directly or through an agent; and

(g) Order such other relief as it deems necessary in an emergency situation.

2. The court by an extended order may grant any relief enumerated in subsection 1 and:

(a) Specify arrangements for visitation of the minor child by the adverse party and require supervision of that visitation by a third party if necessary;

(b) Specify arrangements for the possession and care of any animal owned or kept by the adverse party, applicant or minor child; and

(c) Order the adverse party to:

(1) Avoid or limit communication with the applicant or minor child;

(2) Pay rent or make payments on a mortgage on the applicant's place of residence;

(3) Pay for the support of the applicant or minor child, including, without limitation, support of a minor child for whom a guardian has been appointed pursuant to chapter 159A of NRS or a minor child who has been placed in protective custody pursuant to chapter 432B of NRS, if

the adverse party is found to have a duty to support the applicant or minor child;

(4) Pay all costs and fees incurred by the applicant in bringing the action; and

(5) Pay monetary compensation to the applicant for lost earnings and expenses incurred as a result of the applicant attending any hearing concerning an application for an extended order. 3. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

4. A temporary or extended order must specify, as applicable, the county and city, if any, in which the residence, school, child care facility or other provider of child care, and place of employment of the applicant or minor child are located.

5. A temporary or extended order must provide notice that:

(a) Responding to a communication initiated by the applicant may constitute a violation of the protective order; and

(b) A person who is arrested for violating the order will not be

admitted to bail sooner than 12 hours after the person's arrest if:

(1) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(2) The person has previously violated a temporary or extended order for protection; or

(3) At the time of the violation or within 2 hours after the violation, the person has:

(I) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

(II) An amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110. **Sec. 9.** NRS 62E.680 is hereby amended to read as follows: 62E.680 1. If a child is adjudicated delinquent for an unlawful act that

involves cruelty to or torture of an animal, the juvenile court shall order the child to *undergo a psychological evaluation and* participate in counseling or other psychological treatment.

2. Except as otherwise provided in this subsection, the juvenile court shall not order the child or the parent or guardian of the child to pay the cost of the child to *undergo a psychological evaluation and* participate in the counseling or other psychological treatment. The juvenile court shall:

(a) To the extent possible, arrange for the child to receive such *psychological evaluation and* counseling or treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such *psychological evaluation and* counseling or treatment.

(b) Arrange for the billing of any available public or private medical insurance to pay for such *psychological evaluation and* counseling or treatment.

(c) Not order the parent or guardian of the child to pay the costs of such *psychological evaluation and* counseling or treatment unless the child receives such *psychological evaluation and* counseling or treatment from a provider that is not approved or the child seeks additional *psychological evaluation and* counseling or treatment beyond that recommended for the child, in which case the parent or guardian of the child shall pay the costs of such *psychological evaluation and* counseling or treatment.

3. As used in this section:

(a) “Animal” does not include the human race, but includes every other living creature.

(b) “Torture” or “cruelty” includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

Sec. 10. NRS 176.211 is hereby amended to read as follows: 176.211

1. Except as otherwise provided in this subsection, upon a plea of guilty, guilty but mentally ill or nolo contendere, but before a judgment of guilt, the court may, without entering a judgment of guilt and with the consent of the defendant, defer judgment on the case to a specified future date and set forth specific terms and conditions for the defendant. The duration of the deferral period must not exceed the

applicable period set forth in subsection 1 of NRS 176A.500 or the extension of the period pursuant to subsection 2 of NRS 176A.500. The court may not defer judgment pursuant to this subsection if the defendant has entered into a plea agreement with a prosecuting attorney unless the plea agreement allows the deferral.

2. The terms and conditions set forth for the defendant during the deferral period may include, without limitation, the:

- (a) Payment of restitution;
- (b) Payment of court costs;
- (c) Payment of an assessment in lieu of any fine authorized by law for the offense;
- (d) Payment of any other assessment or cost authorized by law;
- (e) Completion of a term of community service;
- (f) Placement on probation pursuant to NRS 176A.500 and the ordering of any conditions which can be imposed for probation pursuant to NRS 176A.400; or
- (g) Completion of a specialty court program.

3. The court:

(a) Upon the consent of the defendant:

(1) Shall defer judgment for any defendant who has entered a plea of guilty, guilty but mentally ill or nolo contendere to a violation of paragraph (a) of subsection 2 of NRS 453.336; or

(2) May defer judgment for any defendant who is placed in a specialty court program. The court may extend any deferral period for not more than 12 months to allow for the completion of a specialty court program.

(b) Shall not defer judgment for any defendant who has been convicted of a violent or sexual offense as defined in NRS 202.876, a crime against a child as defined in NRS 179D.0357, a violation of NRS 200.508 or a violation of NRS 574.100 *or 574.110* that is punishable pursuant to ~~subsection 6 of that~~ section ~~(f)~~ *1.4 of this act.*

4. Upon violation of a term or condition:

(a) Except as otherwise provided in paragraph (b):

(1) The court may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.

(2) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

(b) If the defendant has been placed in the program for a first or second violation of paragraph (a) of subsection 2 of NRS 453.336, the court may allow the defendant to continue to participate in the program or terminate the participation of the defendant in the program. If the court terminates the participation of the defendant in the program, the court shall allow the defendant to withdraw his or her plea.

5. Upon completion of the terms and conditions of the deferred judgment, and upon a finding by the court that the terms and conditions have been met, the court shall discharge the defendant and dismiss the proceedings. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information.
6. The court shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody

of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The court shall order those records sealed without a hearing unless the Division or the prosecutor petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

7. If the court orders sealed the record of a defendant discharged pursuant to this section, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

8. As used in this section:

(a) "Court" means a district court of the State of Nevada. (b) "Specialty court program" has the meaning ascribed to it in NRS 176A.065.

Sec. 11. NRS 176A.416 is hereby amended to read as follows: 176A.416 1. As a condition of probation, the court may order a defendant who is convicted of a violation of chapter 574 of NRS that is punishable as a felony, ~~or~~ gross misdemeanor *or misdemeanor* to:

(a) Submit to a psychiatric evaluation; and

(b) Participate in any counseling, ~~or~~ therapy, *rehabilitative program or educational program* recommended in the evaluation.

2. The court shall order a defendant, to the extent of the defendant's financial ability, to pay the cost for an evaluation and any counseling, ~~or~~ therapy, *rehabilitative program or educational program ordered* pursuant to this section.

Sec. 12. NRS 176A.500 is hereby amended to read as follows: 176A.500 1. Except as otherwise provided in subsection 2, the period of probation or suspension of sentence may be indeterminate or may be fixed by the court and may at any time be extended or terminated by the court, but the period, including any extensions thereof, must not be more than:

(a) Twelve months for a:

(1) Gross misdemeanor; or

(2) Suspension of sentence pursuant to NRS 176A.240, 176A.260, 176A.290 or 453.3363;

(b) Eighteen months for a category E felony;

(c) Twenty-four months for a category C or D felony; or

(d) Thirty-six months for a category B felony; or

(e) Notwithstanding the provisions of paragraphs (a) to (d), inclusive, 60 months for a violent or sexual offense as defined in NRS 202.876, a violation of NRS 200.508 or a violation of NRS 574.100 *or 574.110* that is punishable pursuant to ~~subsection 6 of that~~ section ~~1.4 of this act~~.

2. The court may extend the period of probation or suspension of sentence ordered pursuant to subsection 1 for a period of not more than 12 months if such an extension is

necessary for the defendant to complete his or her participation in a specialty court program.

3. At any time during probation or suspension of sentence, the court may issue a warrant for violating any of the conditions of probation or suspension of sentence and cause the defendant to be arrested. Except for the purpose of giving a dishonorable discharge from probation, and except as otherwise provided in this subsection, the time during which a warrant for violating any of the conditions of probation is in effect is not part of the period of probation. If the warrant is cancelled or probation is reinstated, the court may include any amount of that time as part of the period of probation.

4. Any parole and probation officer or any peace officer with power to arrest may arrest a probationer without a warrant, or may deputize any other officer with power to arrest to do so by giving the probationer a written statement setting forth that the probationer has, in the judgment of the parole and probation officer, violated the conditions of probation. Except as otherwise provided in subsection 5, the parole and probation officer or the peace officer, after making an arrest, shall present to the detaining authorities, if any, a statement of the charges against the probationer. The parole and probation officer shall at once notify the court which granted probation of the arrest and detention or residential confinement of the probationer and shall submit a report in writing showing in what manner the probationer has violated the conditions of probation.

5. A parole and probation officer or a peace officer may immediately release from custody without any further proceedings any person the officer arrests without a warrant for violating a condition of probation if the parole and probation officer or peace officer determines that there is no probable cause to believe that the person violated the condition of probation.

6. A person who is sentenced to serve a period of probation for a felony or a gross misdemeanor must be allowed for the period of the probation a deduction of:

(a) Ten days from that period for each month the person serves and is current with any fee to defray the costs of his or her supervision charged by the Division of Parole and

800 Probation of the Department of Public Safety pursuant to
801 NRS 213.1076 and with any payment of restitution ordered
802 by the court, including, without limitation, any payment of
803 restitution required pursuant to NRS 176A.430. A person
804 shall be deemed to be current with any such fee and
805 payment of restitution for any given month if, during that
806 month, the person makes at least the minimum monthly
807 payment established by the court or, if the court does not
808 establish a minimum monthly payment, by the Division.

809 (b) Except as otherwise provided in subsection 8, 10
810 days from that period for each month the person serves and
811 is actively involved in employment or enrolled in a program
812 of education, rehabilitation or any other program approved
813 by the Division.

814 7. A person must be allowed a deduction pursuant to
815 paragraph (a) or (b) of subsection 6 regardless of whether
816 the person has satisfied the requirements of the other
817 paragraph and must be allowed a deduction pursuant to
818 paragraphs (a) and (b) of subsection 6 if the person has
819 satisfied the requirements of both paragraphs of that
820 subsection.

821 8. A person who is sentenced to serve a period of
822 probation for a felony or a gross misdemeanor and who is a
823 participant in a specialty court program must be allowed a
824 deduction from the period of probation for being actively
825 involved in employment or enrolled in a program of
826 education, rehabilitation or any other program approved by
827 the Division only if the person successfully completes the
828 specialty court program. Such a deduction must not exceed
829 the length of time remaining on the person's period of
830 probation.

831 **Sec. 13.** NRS 176A.840 is hereby amended to read as follows:
832 176A.840 1. The Division shall petition the court to recommend the
833 early discharge of a person from probation if the person:

834 (a) Has not violated any condition of probation during
835 the immediately preceding 12 months;

836 (b) Is current with any fee to defray the costs of his or
837 her supervision charged by the Division pursuant to NRS
838 213.1076; (c) Has paid restitution ordered by the court in
839 full or, because of economic hardship that is verified by the

Division, has been unable to make restitution as ordered by the court;

(d) Has completed any program of substance use treatment or mental health treatment or a specialty court program as mandated by the court or the Division; and

(e) Has not been convicted of a violent or sexual offense as defined in NRS 202.876, a violation of NRS 200.508 or 205.067 or a violation of NRS 574.100 *or 574.110* that is punishable pursuant to ~~subsection 6 of that~~ section ~~1.4~~ *1.4 of this act*.

2. This section must not be construed to prohibit the court from allowing the early discharge of a person from probation if the person does not meet the requirements set forth in subsection 1. **Sec. 14.** NRS 202.487 is hereby amended to read as follows: 202.487 1. Except as otherwise provided in subsection 3, a person shall not allow a pet to remain unattended in a parked or standing motor vehicle if conditions, including, without limitation, extreme heat or cold, present a significant risk to the health and safety of the pet.

2. Any:

(a) Peace officer;

(b) Animal control officer;

(c) Governmental officer or employee whose primary duty is to ensure public safety;

(d) Employee or volunteer of any organized fire department; or (e) Member of a search and rescue organization in this State that is under the direct supervision of a sheriff,

→ who reasonably believes that a violation of this section has occurred may, without incurring civil liability, use any reasonable means necessary to protect the pet and to remove the pet from the motor vehicle.

3. The provisions of subsection 1 do not apply to:

(a) A police animal or an animal that is used by:

(1) A federal law enforcement agency to assist the agency in carrying out the duties of the agency; or

(2) A search and rescue organization in this State that is under the direction of a sheriff to assist the organization in carrying out the activities of the organization; or

(b) A dog that is under the possession or control of:

(1) An animal control officer; or

- 880 (2) A first responder during an emergency.
- 881 4. A pet that is removed from a motor vehicle pursuant to
- 882 subsection 2 shall be deemed to be an animal being
- 883 treated cruelly for the purposes of ~~NRS 574.055.~~
- 884 *section 1.2 of this act.* A person required by ~~NRS~~
- 885 ~~574.055~~ *section 1.2 of this act* to take possession of a
- 886 pet removed pursuant to this section may take any
- 887 action relating to the pet specified in *section 1.2 of this*
- 888 *act or* NRS 574.055 and is entitled to any lien or
- 889 immunity from liability that is applicable pursuant to
- 890 ~~that section.~~ *those sections.*
- 891 5. The provisions of this section do not:
- 892 (a) Interfere with or prohibit any activity, law or right
- 893 specified in NRS 574.200; or
- 894 (b) Apply to a person who unintentionally locks a motor
- 895 vehicle with a pet in the motor vehicle.
- 896 6. A person who violates a provision of subsection 1 is
- 897 guilty of a misdemeanor.
- 898 7. As used in this section:
- 899 (a) "Animal" has the meaning ascribed to it in NRS 574.050. (b)
- 900 "First responder" has the meaning ascribed to it in NRS 574.050.
- 901 (c) "Pet" means a domesticated animal owned or
- 902 possessed by a person for the purpose of pleasure or
- 903 companionship and includes, without limitation, a cat or
- 904 dog.
- 905 (d) "Police animal" has the meaning ascribed to it in
- 906 NRS 574.050.
- 907 **Sec. 15.** NRS 209.4465 is hereby amended to read as follows:
- 908 209.4465 1. An offender who is sentenced to prison for a crime
- 909 committed on or after July 17, 1997, who has no serious infraction of
- 910 the regulations of the Department, the terms and conditions of his or
- 911 her residential confinement or the laws of the State recorded against
- 912 the offender, and who performs in a faithful, orderly and peaceable
- 913 manner the duties assigned to the offender, must be allowed:
- 914 (a) For the period the offender is actually incarcerated
- 915 pursuant to his or her sentence;
- 916 (b) For the period the offender is in residential
- 917 confinement; and (c) For the period the offender is in the
- 918 custody of the Division of Parole and Probation of the

919 Department of Public Safety pursuant to NRS 209.4886 or
920 209.4888,
921 ↳ a deduction of 20 days from his or her sentence for each
922 month the offender serves.
923 2. In addition to the credits allowed pursuant to subsection 1, the
924 Director may allow not more than 10 days of credit each month for
925 an offender whose diligence in labor and study merits such credits. In
926 addition to the credits allowed pursuant to this subsection, an offender
927 is entitled to the following credits for educational achievement:
928 (a) For earning a general educational development
929 certificate or an equivalent document, 60 days.
930 (b) For earning a high school diploma, 90 days.
931 (c) For earning his or her first associate degree, 120 days.
932 3. The Director may, in his or her discretion, authorize
933 an offender to receive a maximum of 90 days of credit for
934 each additional degree of higher education earned by the
935 offender.
936 4. The Director may allow not more than 10 days of
937 credit each month for an offender who participates in a
938 diligent and responsible manner in a center for the purpose
939 of making restitution, program for reentry of offenders and
940 parolees into the community, conservation camp, program
941 of work release or another program conducted outside of the
942 prison. An offender who earns credit pursuant to this
943 subsection is eligible to earn the entire 30 days of credit
944 each month that is allowed pursuant to subsections 1 and 2.
945 5. The Director may allow not more than 90 days of
946 credit each year for an offender who engages in exceptional
947 meritorious service. 6. The Board shall adopt regulations
948 governing the award, forfeiture and restoration of credits
949 pursuant to this section.
950 7. Except as otherwise provided in subsections 8 and 9, credits
951 earned pursuant to this section:
952 (a) Must be deducted from the maximum term or the
953 maximum aggregate term imposed by the sentence, as
954 applicable; and
955 (b) Apply to eligibility for parole unless the offender was
956 sentenced pursuant to a statute which specifies a minimum
957 sentence that must be served before a person becomes
958 eligible for parole.

8. Credits earned pursuant to this section by an offender who has not been convicted of:

(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;

(b) A sexual offense that is punishable as a felony;

(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony;

(d) A category A or B felony; or

(e) A violation of NRS 574.100 *or 574.110* that is punishable pursuant to ~~subsection 6 of that~~ section ~~1.4 of this act,~~

↪ apply to eligibility for parole and, except as otherwise provided in subsection 9, must be deducted from the minimum term or the minimum aggregate term imposed by the sentence, as applicable, until the offender becomes eligible for parole and must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable.

9. Credits deducted pursuant to subsection 8 may reduce the minimum term or the minimum aggregate term imposed by the sentence, as applicable, by not more than 58 percent for an offender who:

(a) Is serving a sentence for an offense committed on or after July 1, 2014; or

(b) On or after July 1, 2014, makes an irrevocable election to have his or her consecutive sentences aggregated pursuant to NRS 213.1212.

10. In addition to the credits allowed pursuant to this section, if the Governor determines, by executive order, that it is necessary, the Governor may authorize the deduction of not more than 5 days from a sentence for each month an offender serves. This subsection must be uniformly applied to all offenders under a sentence at the time the Governor makes such a determination.

Sec. 16. This act becomes effective upon passage and approval.

H